

Message Text

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ACTION ACDA-12

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ISO-00 CIAE-00 H-01 INR-07 L-03 NSAE-00 OIC-02
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C O N F I D E N T I A L USUN 3700

E.O. 11652: GDS
TAGS: PARM, FI, UN, US
SUBJ: FINNISH VIEWS ON THE NON-PROLIFERATION TREATY

1. IN CONVERSATION WITH AMBASSADOR LEONARD OCTOBER 7,
FINNISH PERMREP PASTINEN SAID THAT HE WAS CONSIDERING
POSSIBILITY OF AN UNGA RESOLUTION ASKING THE INTERNATIONAL
COURT OF JUSTICE (ICJ) TO OFFER AN ADVISORY OPINION ON
WHETHER ARTICLE I OF THE NON-PROLIFERATION TREATY (NPT)
BY ITSELF REQUIRES PARTIES TO AGREE TO FULL-CYCLE SAFEGUARDS
AS THE CONDITION FOR EXPORTING OR IMPORTING NUCLEAR
MATERIALS. PASTINEN BELIEVES THAT THIS TYPE OF
RESOLUTION WOULD ENCOURAGE BROAD INTERNATIONAL
SUPPORT FOR FULL-CYCLE SAFEGUARDS. HE HAS NO DOUBT THAT
AN ICJ RULING WOULD BE IN THE AFFIRMATIVE ON THE SUBSTANCE
OF THE ISSUE.

2. PASTINEN HAS SUPPLIED US WITH HIS ARTICLE, "NUCLEAR
PROLIFERATION AND THE NPT", IAEA BULLETIN, VOL. 19,
NO. 4 IN WHICH HE OUTLINES HIS INTERPRETATION OF NPT
OBLIGATIONS. AFTER DESCRIBING THE DILEMMA OF RECONCILING
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THE "LEGITIMATE ASPIRATIONS OF NATIONS TO BEEFNIT
FROM NUCLEAR ENERGY FOR PEACEFUL PURPOSES" WITH THE GOAL
OF PREVENTING STATES FROM OBTAINING NUCLEAR WEAPONS CAPABILITY,
HE WRITES AS FOLLOWS:

3. BEGIN QUOTE: NPT PARTIES EXPORTING NUCLEAR MATERIALS
AND EQUIPMENT SHOULD REQUIRE MEMBERSHIP OF THE NPT OR

OTHER ARRANGEMENTS INVOLVING THE APPLICATION OF SAFEGUARDS TO THE COMPLETE NUCLEAR FUEL CYCLE OF THE IMPORTING COUNTRIES AS A CONDITION FOR SUPPLY. THE ENFORCEMENT OF SUCH A CONDITION WOULD GUARANTEE THAT PARTIES TO THE NPT DO NOT CONTRIBUTE EITHER BY COMMISSION OF OMISSION TO THE SPREAD OF NUCLEAR EXPLOSIVE CAPACITY IN CONTRAVENTION TO THE SPIRIT OF THE NPT. IT WOULD BE ONE OF THE MEANS BY WHICH THE PRESENT PARTIES TO THE TREATY COULD PUT EFFECTIVE RESTRAINTS ON THE EMERGENCE OF NEW THRESHOLD COUNTRIES OR ON THE REFINEMENT OF THE EXPLOSIVE CAPACITIES OF THE PRESENT ONES....PARTIES TO THE NPT HAVE AN INCONTROVERTIBLE OBLIGATION TO ACT IN THIS MANNER AND...ARE SO OBLIGATED NOT ONLY BY THE SPIRIT OF THE NPT BUT INDEED BY ITS LETTER. IN ARTICLE I OF THE NPT, THE NUCLEAR-WEAPON STATES THAT ARE PARTIES TO THE TREATY UNDERTAKE NOT IN ANY WAY TO ASSIST, ENCOURAGE OR INDUCE ANY (THAT MEANS WHETHER PARTY TO THE NPT OR NOT) NON-NUCLEAR STATE TO MANUFACTURE OR OTHERWISE ACQUIRE NUCLEAR WEAPONS OR OTHER NUCLEAR EXPLOSIVE DEVICES OR CONTROL OVER THEM. AS FAR AS SUPPLY POLICIES ARE CONCERNED, A FURTHER SPECIFICATION OF THIS BASIC OBLIGATION IS CONTAINED IN ARTICLE III 2 WHICH ENJOINS ALL PARTIES TO THE TREATY TO SUPPLY NUCLEAR MATERIALS AND EQUIPMENT ONLY SUBJECT TO IAEA SAFEGUARDS REQUIRED BY THIS ARTICLE (I.E., NPT SAFEGUARDS COVERING THE COMPLETE NUCLEAR FUEL CYCLE OF THE RECIPIENT). END QUOTE.

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4. ELONARD NOTED THAT WHILE THE US CLEARLY FAVORS BROAD ACCEPTANCE OF FULL-CYCLE SAFEGUARDS AS A CENTRAL ELEMENT IN OUR NON-PROLIFERATION POLICY, THE APPROACH SUGGESTED BY PASTINEN RAISES CERTAIN PROBLEMS. HE RECALLED THAT WE WERE HAVING CONSIDERABLE DIFFICULTY IN JOINING TOGETHER THE LONDON SUPPLIERS CLUB. THE FRENCH HAVE BEEN UNHAPPY WITH THE EFFORT IN THE SUPPLIER CLUB TO REVIEW THE ISSUE OF FULL-SCOPE SAFEGUARDS AND ONLY WITH RELUCTANCE AGREED THIS SEPTEMBER TO A FURTHER DISCUSSION IN 1978. AN UNGA RESOLUTION ON FULL-SCOPE SAFEGUARDS COULD INTENSIFY FRENCH CONCERNS THAT THEY ARE BEING ISOLATED ON THIS ISSUE AND COULD PUT IN DOUBT THEIR CONTINUED PARTICIPATION IN THE SUPPLIERS TALKS. PASTINEN ACKNOWLEDGED THE POINT, BUT NONETHELESS REQUESTED US TO OBTAIN WASHINGTON'S REACTION TO THIS IDEA.

5. ACTION REQUESTED: MISSION REQUESTS DEPARTMENT'S VIEWS FOR REPLY TO PASTINEN.
YOUNG

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Message Attributes

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Sent Date: 12-Oct-1977 12:00:00 am
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